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EXAMINER

LEIVA, FRANK M

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/659,629

Applicant(s)

BAERLOCHER ET AL.

Examiner

Frank M. Leiva

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. **Claims 1, 11, 21, 22, 35, 44-47, 51, 52, and 57-60 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.**
3. Claims 1, 11, 21, 22, and 35, state, "*said second round is selected based exclusively on the number of non-selected outcomes of said first round*", the examiner does not see where "*non-selected*" could mean "*no remaining opportunities to obtain an award*", as applicant cited paragraph in the specification should support.
4. Claims 44, 45, 46, 58, 59, and 60, state "*selected base exclusively on the number of non-provided values*" which is not supported by the specifications.
5. Claims 47, 51, 52, and 57, state, "*selected base exclusively on the number of un-revealed value*", which is not supported by the specifications.
6. Applicant is required to cancel the new matter in the reply to this Office Action.
7. **Claims 1-22, 35, and 44-60 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.**

8. Claims 1, 11, 21, 22, and 35, state, "*said second round is selected based exclusively on the number of non-selected outcomes of said first round*", the examiner does not see where "*non-selected*" could mean "*no remaining opportunities to obtain an award*", as applicant cited paragraph in the specification should support.
9. Claims 44, 45, 46, 58, 59, and 60, state "*selected base exclusively on the number of non-provided values*" which is not supported by the specifications.
10. Claims 47, 51, 52, and 57, state, "*selected base exclusively on the number of un-revealed value*", which is not supported by the specifications.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. **Claims 36, 39, 42, and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Kamille (US 5,931,467), hereinafter Kamille.**
13. **Regarding claims 36 and 39, Kamille discloses:**
 - a. A first round, in which the examiner interprets the starting point to be equivalent to the first round, a plurality of different outcomes of the first round (figure 7C), a second round, in which the examiner interprets the selection of another spot to be an equivalent to a second round, a plurality of different outcomes of the second round (figure 7C), wherein each one of the outcomes of the second round is individually associated with a different one of the outcomes of the first round, in which the examiner interprets the arrow directions to be an equivalent to each one of the outcomes of the second round is individually associated with a different one of the outcomes of the first round, at least one display device (col. 5, lines 28-45), and a processor (col. 5, lines 28-45), which Kamille is inherently capable of being

operable with the display device to select at least one of the outcomes of the first round and display the selected outcome of the first round (figure 7C), wherein when the selected outcome of the first round is displayed (figure 7C), the associated outcome of the second round is prevented from being obtained in the second round (figure 7A and 7C) as recited in claim 36.

b. A plurality of first outcomes, a plurality of second outcomes, wherein each of the second outcomes is individually associated with a different one of the first outcomes, and a player award adapted to be provided to a player which includes at least one of the first outcomes and at least one of the second outcomes, wherein for each provided first outcome the associated second outcome cannot be provided to the player and for each provided second outcome the associated first outcome cannot be provided to the player, in which the examiner interprets the initial starting point and the correct path chosen to a win or multiple wins before a void for example in figure 7C to be an equivalent to A plurality of first outcomes, a plurality of second outcomes, wherein each of the second outcomes is individually associated with a different one of the first outcomes, and a player award adapted to be provided to a player which includes at least one of the first outcomes and at least one of the second outcomes, wherein for each provided first outcome the associated second outcome cannot be provided to the player and for each provided second outcome the associated first outcome cannot be provided to the player (figure 7C) as recited in claim 39.

c. The player is enabled to select at least one of the first outcomes (figure 7C) as recited in claim 42.

d. The player is enabled to select at least one of the second outcomes (figure 7C) as recited in claim 43.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. **Claims 1-10, 21, 23-26, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamille (US 5,931,467), hereinafter Kamille, in view of Olsen (US 6,217,448), hereinafter Olsen.**

Kamille discloses the following:

- a. A first round, in which the examiner interprets the starting point, for example of figures 7A and 7C to be an equivalent to a first round, a plurality of different outcomes of the first round (figures 7A and 7C), a second round, in which the examiner interprets the choosing of another spot in direction of the arrows to be equivalent to the second round, at least one winning outcome of the second round (figures 7A and 7C), a plurality of different probabilities of providing the winning outcome of the second round (figures 7A and 7C), a display device (figure 7A, 7C and col. 5, lines 28-45), and a processor (col. 5, lines 28-45), which Kamille is inherently capable of being operable with the display device to (a) select and display at least one of the outcomes of the first round (figures 7A and 7C), (b) select one of the different probabilities of providing the winning outcome of the second round (figures 7A and 7C), wherein the probability of providing the winning outcome of the second round is selected based on the selected outcome of the first round (figures 7A and 7C), and (c) as recited in claim 1.
- b. The processor is operable to provide the player an award based on the selected outcome of the first round and the winning outcome of the second round if

the determination is to provide the player the winning outcome of the second round, in which the examiner interprets the player choosing one of the starting points which leads to a direction towards a win in figure 7A and 7C to be an equivalent to the player an award based on the selected outcome of the first round and the winning outcome of the second round if the determination is to provide the player the winning outcome of the second round as recited in claim 2.

c. The processor is operable to provide the player an award based on the selected outcome of the first round if the determination is not to provide the player the winning outcome of the second round as recited in claim 3.

d. The processor is operable to enable the player to play the first round, in which the examiner interprets the starting point to be equivalent to the first round as recited in claim 4.

e. The processor is operable to enable the player to play the second round, in which the examiner interprets the selection of another spot to be equivalent to the second round (figures 7A and 7C) as recited in claim 5.

f. The processor is operable to enable the player to play the first round and the second round (figure 7C) as recited in claim 6.

g. At least one subsequent round, at least one winning outcome of the subsequent round and a plurality of different probabilities of providing the winning outcome of the subsequent round (figures 7A and 7C) as recited in claims 7 and 17.

h. The processor is operable to select one of the probabilities of providing the winning outcome of the subsequent round based on the selected outcome of the first round and determine whether to provide the player the winning outcome of the subsequent round based on the selected probability of providing the winning outcome of the subsequent round (figure 7C) as recited in claim 8.

i. The processor is operable to select one of the probabilities of providing the winning outcome of the subsequent round based on the selected outcome of the second round and determine whether to provide the player the winning outcome of the subsequent round based on the selected probability of providing the winning outcome of the subsequent round (figure 7C) as recited in claim 9.

- j. The processor is operable to select one of the probabilities of providing the winning outcome of the subsequent round based on the selected outcome of the first round and the second round and determine whether to provide the player the winning outcome of the subsequent round based on the selected probability of providing the winning outcome of the subsequent round (figure 7C) as recited in claim 10.
- k. A first round, in which the examiner interprets the starting point to be equivalent to the first round, a plurality of positive outcomes of the first round, in which the examiner interprets plurality of directions to choose from in figure 7C to be an equivalent to a plurality of positive outcomes of the first round, a second round, in which the examiner interprets another selection after the initial selection to be an equivalent to a second round (figure 7C), at least one positive outcome of the second round, in which the examiner interprets the selection of a win to be an equivalent to at least one positive outcome of the second round, a plurality of different probabilities of providing the positive outcome of the second round (figure 7C), a display device (col. 5, lines 28-45), and a processor operable with the display device to (a) select and display a number of the plurality of positive outcomes of the first round (figure 7C), (b) select one of the different probabilities of providing the positive outcome of the second round, wherein the probability of providing the positive outcome of the second round is selected based on the number of selected positive outcomes of the first round (figure 7C), and (c).
- l. A first round, in which the examiner interprets the starting point to be an equivalent to a first round, a range of different values of the first round (col. 8, lines 42-46), a second round including a modifier, in which the examiner interprets the selection of another spot to be an equivalent to a second round (figure 7C and col. 8, lines 42-46), a range of different probabilities of obtaining the modifier of the second round (figure 7C), a display device (col. 5, lines 28-45), and a processor (col. 5, lines 28-45), which Kamille is inherently capable of being operable with the display device to (a) indicate at least one of the values of the first round to a player, (b) select one of the different probabilities of obtaining the modifier of the second

round, wherein the greater the indicated value of the first round the lower the selected probability of obtaining the modifier of the second round, (c) determine whether to provide the player the modifier of the second round, wherein the determination is based on the selected probability of obtaining the modifier of the second round, (d) provide the player the indicated value of the first round if the determination is not to provide the player the modifier of the second round, and (e) modify the indicated value of the first round by the modifier of the second round if the determination is to provide the player the modifier of the second round, in which the examiner interprets the initial starting point and choosing the correct path to a win or void to be an equivalent to steps a through e (figure 7C) as recited in claims 23 and 31.

m. The processor is operable to provide the player any modified value (figure 7C and col. 8, lines 42-46) as recited in claim 24.

n. The first round includes a plurality of opportunities to obtain the values, wherein each of the opportunities is associated with a probability of obtaining one of the values (figure 7C) as recited in claim 25.

o. The processor is operable to provide the player at least one of the plurality of opportunities and to determine based on the associated probability for each provided opportunity whether to indicate one of the values (figure 7C) as recited in claim 26.

Kamille does not disclose:

a. A determination of whether to provide the player the winning outcome of the second round occurs, wherein the determination is based exclusively on the number of non-selected outcomes of the second round, as recited in claim 1.

b. A determination of whether to provide the player the positive outcome of the second round occurs, wherein the determination is based exclusively on the number of non-selected positive outcomes of the second round as recited in claim 21.

- c. A range of different independently determined values of said first round, as recited in claims 23 and 31.

Olsen teaches:

- a. A determination of whether to provide the player the (winning or positive) outcome of the second round occurs, wherein the determination is based exclusively on the number of non-selected (winning or positive) outcomes of the first round, which the examiner takes it to mean that the next bonus round will offer winnings based on the amount left on the bonus pool after each round ends and continue to do dependent on the pool not having any winnings left, as recited in claims 1 and 21, (Fig 3).
- b. A range of different independent values of said first round, which is represented by a random Jackpot start value, as recited by claims 23 and 31, (Fig.9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Kamille with the continuing bonus round feature of Olsen to provide a continuous bonus game to lengthen the bonus game and increase player's enthusiasm during play and encourage further play and to increase a game player's chance at an increased outcome.

16. Claims 11-20, 22, 27-30, 33-34, and 44-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamille in view of Thomas et al. (US 6,190,255), hereinafter Thomas, and in further in view of Olsen.

Kamille discloses the following:

- a. A first round, a plurality of different outcomes of the first round, in which the examiner interprets the starting point and the starting point revealing a plurality of different directions to be an equivalent to a first round and a plurality of different

outcomes of the first round (figures 7A and 7C), a second round, at least one winning outcome of the second round, in which the examiner interprets the choosing of one of the plurality of directions as shown in figure 7C to be an equivalent to a second round and at least one winning outcome of the second round (figure 7C), a plurality of different probabilities of providing the winning outcome of the second round (figure 7C), and (a) one of the plurality of outcomes of the first round is selected and displayed, in which the examiner interpret the selection of one of the starting point to be an equivalent to step (a), (figure 7C), (b) one of the different probabilities of providing the winning outcome of the second round is selected, wherein the probability of providing the winning outcome of the second round is selected based on the selected outcome of the first round, in which the examiner interprets the selection from the first selection having a choice of directions, wherein the correct choice leads to a win to be an equivalent to step (b) (figure 7C), and (c) as recited in claim 11.

b. The processor is operable to provide the player an award based on the selected outcome of the first round and the winning outcome of the second round if the determination is to provide the player the winning outcome of the second round, in which the examiner interprets the player choosing one of the starting points which leads to a direction towards a win in figure 7A and 7C to be an equivalent to the player an award based on the selected outcome of the first round and the winning outcome of the second round if the determination is to provide the player the winning outcome of the second round as recited in claim 12.

c. The processor is operable to provide the player an award based on the selected outcome of the first round if the determination is not to provide the player the winning outcome of the second round as recited in claim 13.

d. The processor is operable to enable the player to play the first round, in which the examiner interprets the starting point to be equivalent to the first round as recited in claim 14.

- e. The processor is operable to enable the player to play the second round, in which the examiner interprets the selection of another spot to be equivalent to the second round (figures 7A and 7C) as recited in claims 5 and 15.
- f. The processor is operable to enable the player to play the first round and the second round (figure 7C) as recited in claim 16.
- g. At least one subsequent round, at least one winning outcome of the subsequent round and a plurality of different probabilities of providing the winning outcome of the subsequent round (figures 7A and 7C) as recited in claims 7 and 17.
- h. The processor is operable to select one of the probabilities of providing the winning outcome of the subsequent round based on the selected outcome of the first round and determine whether to provide the player the winning outcome of the subsequent round based on the selected probability of providing the winning outcome of the subsequent round (figure 7C) as recited in claim 18.
- i. The processor is operable to select one of the probabilities of providing the winning outcome of the subsequent round based on the selected outcome of the second round and determine whether to provide the player the winning outcome of the subsequent round based on the selected probability of providing the winning outcome of the subsequent round (figure 7C) as recited in claim 19.
- j. The processor is operable to select one of the probabilities of providing the winning outcome of the subsequent round based on the selected outcome of the first round and the second round and determine whether to provide the player the winning outcome of the subsequent round based on the selected probability of providing the winning outcome of the subsequent round (figure 7C) as recited in claim 20.
- k. A first round, in which the examiner interprets the starting point to be an equivalent to a first round, a plurality of different positive outcomes of the first round (figure 7C), a second round, in which the examiner interprets the selection of another spot to be an equivalent to a second round (figure 7C), at least one positive outcome of the second round (figure 7C), a plurality of different probabilities of providing the positive outcome of the second round (figures 7A and 7C), and (a) a

number of the plurality of positive outcomes of the first round are selected and displayed (figure 7C), (b) one of the different probabilities of providing the positive outcome of the second round is selected, wherein the probability of providing the positive outcome of the second round is selected based on the number of selected positive outcomes of the first round (figure 7C), and (c) a determination of whether to provide the player the positive outcome of the second round occurs, wherein the determination is based on the selected probability of providing the positive outcome of the second round, in which the examiner interprets the initial starting point and choosing the correct path to a win or void to be an equivalent to steps a through c (figures 7A and 7C) as recited in claim 22.

I. A first round, in which the examiner interprets the starting point to be an equivalent to a first round, a range of different values of the first round (col. 8, lines 42-46), a second round including a modifier, a range of different probabilities of obtaining the modifier of the second round, in which the examiner interprets the selection of another spot to be an equivalent to a second round (col. 8, lines 42-46), (a) at least one of the values of the first round is indicated to the player (figure 7C and col. 8, lines 42-46), (b) one of the different probabilities of obtaining the modifier of the second round is selected, wherein the greater the indicated value of the first round the lower the selected probability of obtaining the modifier of the second round (figure 7C), (c) a determination of whether to provide the player the modifier of the second round occurs, wherein the determination is based on the selected probability of obtaining the modifier of the second round (figure 7C), (d) the player is provided the indicated value of the first round if the determination is not to provide the player the modifier of the second round (figure 7C), and (e) the indicated value of the first round is modified by the modifier of the second round if the determination is to provide the player the modifier of the second round, in which the examiner interpret the initial starting point and choosing the correct path to a win or void to be an equivalent to steps a through e (figures 7A and 7C) as recited in claims 27 and 33.

Art Unit: 3714

m. The player is provided any modified value (col. 8, lines 42-46) as recited in claims 28 and 34.

n. The first round includes a plurality of opportunities to obtain the values, wherein each of the opportunities is associated with a probability of obtaining one of the values (figure 7C) as recited in claim 29.

n. The player is provided at least one of the plurality of opportunities and a determination occurs based on the associated probability for each provided opportunity of whether to indicate one of the values (figure 7C) as recited in claim 30.

p. A first round, in which the examiner interpret the starting point to be equivalent to the first round (figure 7C), a plurality of values of the first round (figure 7C and col. 8, lines 42-46); wherein each value is associated with a probability, in which the examiner interprets the player chosen path to be an equivalent to each value is associated with a probability, a second round including a modifier, a plurality of probabilities of obtaining the modifier of the second round, in which the examiner interprets the selection of another spot to be an equivalent to a second round and the path chosen to be the plurality of probabilities of obtaining the modifier of the second round (figures 7A, 7C and col. 8, lines 42-46), a display (figure 7A, 7C and col. 5, lines 28-45), and a processor (col. 5, lines 28-45), which Kāmile is inherently capable of being operable with the display device to: (a) enable a player to play the first round, wherein the first round includes: (i) selecting one of the plurality of values (figure 7C), (ii) determining whether to provide the selected value to the player, wherein the determination is based on the probability associated with the selected value, in which the examiner interprets the arrow direction, win, or void to be an equivalent to (ii) determining whether to provide the selected value to the player, wherein the determination is based on the probability associated with the selected value (figure 7c), (iii) providing the selected value to the player if the determination is to provide the selected value to the player (figure 7C), and (iv) repeating steps (i) to (iii) until the occurrence of a terminating event, (b) enabling the player to play the second round, wherein the second round includes: (vi)

determining whether the player obtains the modifier, wherein the determination is based on the selected probability of obtaining the modifier, (vii) applying the modifier to any provided values of the first round to form a modified value of the second round, if the determination is that the player obtains the modifier, and (viii) providing the modified value if the determination is that the player obtains the modifier, in which the examiner interprets the starting point and choosing the correct path to a win or void to be an equivalent to steps i through viii (figure 7C) as recited in claims 44, 47, 52, and 58.

q. The higher the number of provided values of the first round, the lower the probability of obtaining the modifier of the second round (figures 7A and 7C) as recited in claims 45, 51, 57, 59.

r. The higher the number of provided values of the first round, the higher the probability of obtaining the modifier of the second round (figures 7A and 7C) as recited in claims 46 and 60.

s. A plurality of terminators, in which the examiner interprets the void to be an equivalent to a plurality of terminators (figure 7A and 7C) as recited in claims 48 and 54.

t. The processor is operable to provide the player one of the terminators in the first round if the player's picked selection is not associated with the selected value (figure 7A) as recited in claims 49 and 55.

u. The terminating event occurs when the player is provided a designated number of terminators (figure 7A and 7C) as recited in claims 50 and 56.

Kamille does not disclose the following:

a. A primary wagering game operable upon a wager by a player and a triggering event associated with the primary wagering game as recited in claims 11, 22, 27, and 58.

b. Enable the player to play the second round after the occurrence of the terminating event as recited in claims 44, 47, 52, and 58.

- c. The terminating event occurs when the steps (i) to (v) are repeated for a designated number of opportunities as recited in claim 53.
- d. A determination of whether to provide the player the winning outcome of the second round occurs, wherein the determination is based exclusively on the number of non-selected outcomes of the second round, as recited in claim 11
- e. Selecting one of the probabilities of obtaining the modifier of the second round wherein the probability of obtaining the modifier is selected based exclusively on the number of non-provided values of the first round, as recited in claims 44-47, 51, 52, and 57-60.
- f. A range of different independent values of said first round, as recited by claims 27 and 33.

Thomas et al teaches the following:

- a. A primary wagering game operable upon a wager by a player and triggering event associated with the primary wagering game (abstract and figure 1) as recited in claim 11.
- b. Enable the player to play the second round after the occurrence of the terminating event (summary) as recited in claims 44, 47, 52, and 58.
- c. The terminating event occurs when the steps (i) to (v) are repeated for a designated number of opportunities (summary) as recited in claim 53.
- d. By having a primary wagering game and a triggering event associated with the primary wagering game, one of ordinary skill in the art would provide a secondary or bonus game to encourage further play and to increase a game player's chance at an increased outcome.
- e. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Kamille to include a primary wagering game operable upon a wager by a player and a triggering event associated with the primary wagering game, enable the player to play the second round after the occurrence of the terminating event, the terminating event occurs when the steps (i)

Art Unit: 3714

to (v) are repeated for a designated number of opportunities as taught by Thomas et al to provide a secondary or bonus game to encourage further play and to increase a game player's chance at an increased outcome.

Olsen teaches:

- a. A determination of whether to provide the player the winning outcome of the second round occurs, wherein the determination is based exclusively on the number of non-selected outcomes of the first round, which the examiner takes it to mean that the next bonus round will offer winnings based on the amount left on the bonus pool after each round ends and continue to do dependent on the pool not having any winnings left, as recited in claim 11.
- b. Selecting one of the probabilities of obtaining the modifier of the second round wherein the probability of obtaining the modifier is selected based exclusively on the number of non-provided values of the first round, which the examiner takes it to mean that the next bonus round will provide values based on the amount left on the bonus pool after each round ends and continue to do so dependent on the pool not having any value left, as recited in claims 44-47, 51, 52, and 57-60.
- c. A range of different independent values of said first round, which is represented by a random Jackpot start value, as recited by claims 23 and 31, (Fig.9).
- d. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Kamille With Thomas and to add the continuing bonus round feature of Olsen to provide a continuous bonus game to lengthen the bonus game and increase player's enthusiasm during play and encourage further play and to increase a game player's chance at an increased outcome.

Art Unit: 3714

17. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kamille in view of Joshi (US 6,485,367), hereinafter Joshi, and in further view of Olsen.

Kamille discloses the following:

- a. A first round, a plurality of different outcomes of the first round, a second round, at least one positive outcome of the second round, a plurality of different probabilities of providing the positive outcome of the second round, a display device, and a processor operable with the display device to (a) select and display at least one of the outcomes of the first round, (e) determine whether to provide the player the positive outcome of the second round if the player rejects the selected outcome of the first round, wherein the determination is based on the selected probability of providing the positive outcome of the second round as in claim 35.

Kamille does not disclose the following:

- a. Enable a player to accept or reject the selected outcome of the first round and provide the player the selected outcome of the first round if the player accepts the selected outcome of the first round.
- b. Select one of the different probabilities of providing the positive outcome of the second round if the player rejects the selected outcome of the first round, wherein the probability of providing the positive outcome of the second round is selected based exclusively on the number of non-selected outcomes of the first round, as recited in claim 35.

Joshi teaches the following:

Enable a player to accept or reject the selected outcome of the first round and provide the player the selected outcome of the first round if the player accepts

Art Unit: 3714

the selected outcome of the first round (col. 6, line 66 – column 7, line 15) as recited in claim 35. By having enabling a player to accept or reject the selected outcome, one of ordinary skill in the art would provide game players a chance at a bigger payout outcome, which will attract frequent play by enhancing the entertainment value and excitement associated with the game.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Kamille to include enabling a player to accept or reject the selected outcome of the first round and provide the player the selected outcome of the first round if the player accepts the selected outcome of the first round as taught by Joshi to provide game players a chance at a bigger payout outcome, which will attract frequent play by enhancing the entertainment value and excitement associated with the game.

Olsen discloses:

Wherein the probability of providing the positive outcome of the second round is selected based exclusively on the number of non-selected outcomes of the first round, which the examiner takes it to mean that the next bonus round will offer winnings based on the amount left on the bonus pool after each round ends and continue to do dependent on the pool not having any winnings left, as recited in claim 35.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Kamille With Joshi and to add the continuing bonus round feature of Olsen to provide a continuous bonus game to lengthen the bonus game and increase player's enthusiasm during play and encourage further play and to increase a game player's chance at an increased outcome.

18. Claims 37-38 and 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamille (US 5,931,467) in view of Vancura (US 6,033,307).

Kamille discloses the claimed invention as discussed above except for the following:

- a. The display device is a mechanical device, wherein each display device includes a first position associated with one of the outcomes of the first round and a second position associated with the outcome of the second round that is associated with the outcome of the first round as recited in claims 37 and 40.
- b. The processor is operable to move the display device to the first position to display the selected outcome of the first round, wherein once the display device is moved to the first position, the display device cannot simultaneously display the outcome associated with the second position as recited in claims 38 and 41.

Vancura teaches the following:

- a. The display device is a mechanical device, in which the examiner interprets the secondary game machine to be an equivalent to the display device is a mechanical device, wherein each display device includes a first position (figure 4 item 408) associated with one of the outcomes of the first round and a second position (figure 4 item 408) associated with the outcome of the second round that is associated with the outcome of the first round, in which the examiner interprets the outcome of the payline (65) determines the position of the character (402) to be an equivalent to a first position associated with one of the outcomes of the first round and a second position associated with the outcome of the second round that is associated with the outcome of the second round with the outcome of the first round (figure 4) as recited in claims 37 and 40.
- b. The processor is operable to move the display device to the first position to display the selected outcome of the first round (figure 4 item 402), wherein once the display device is moved to the first position (figure 4 item 408), the display device cannot simultaneously display the outcome associated with the second position, in which the examiner interprets the outcome on the payline (65) that determines the

character (402) moving towards the next position (408) has not yet been determined (spun) to be equivalent to the display device cannot simultaneously display the outcome associated with the second position as recited in claims 38 and 41. By displaying the positions of the selected outcomes, one of ordinary skill in the art would provide game players with a visual destination or goal to allow the highest possible accumulated winning outcome values.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Kamille to include the display device, wherein each display device includes a first position associated with one of the outcomes of the first round and a second position associated with the outcome of the second round that is associated with the outcome of the first round and the processor is operable to move the display device to the first position to display the selected outcome of the first round, wherein once the display device is moved to the first position, the display device cannot simultaneously display the outcome associated with the second position as taught by Vancura to provide game players with a visual destination or goal to allow the highest possible accumulated winning outcome values.

Response to Arguments

19. **Applicant's arguments filed 10/18/2006 have been fully considered but they are not persuasive.**

20. **Applicant's arguments with respect to claims 1, 11, 21-23, 27, 31, 33, 35, 44-47, 51, 52, and 57-60 have been considered but are moot in view of the new ground(s) of rejection.**

21. Applicants arguments with respect to claims 36 and 39 are not persuasive. The argument, "*Kamille does not disclose that for each first outcome provided to a*

player, an associated second outcome cannot be provided to the player, and, for each second outcome provided to a player, the associated outcome cannot be provided to the player", since Kamille's bonus feature is in the form of a road with specific directions, it is understood that once a selection is made, towards a direction, the other direction is not available anymore, when you choose one over the other, you are actually eliminating that choice from the path. The selection made in the travel can be made again, but the winnings will not be accumulated again, see fig 7a of Kamille and starting from the upper right corner you can follow a circular path and actually go over your previous path. Moneys revealed are accumulated once only.

Conclusion

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank M. Leiva whose telephone number is (571) 272-2460. The examiner can normally be reached on M-Th 8:30am - 5:pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

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FML

04/24/2007



Robert E Pezzuto

Supervisory Patent Examiner

Art Unit 3714